



David T. Sirotkin, Esq.  
\*admitted in New York and New Jersey  
[dsirotkin@morellialters.com](mailto:dsirotkin@morellialters.com)

December 8, 2014

**VIA E-FILE**

Honorable Lois H. Goodman, U.S.D.J.  
United States District Court  
for the District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

**Re: Tracy Morgan, Ardley Fuqua, Jr., Jeffrey Millea and Krista Millea v.  
Wal-Mart Stores, Inc. and Wal-Mart Transportation, LLC  
Civil Action No. 14-cv-04388-MAS-LHG**

Dear Judge Goodman,

We represent Plaintiffs Tracy Morgan, Ardley Fuqua, Jr., Jeffrey Millea, and Krista Millea in the above-referenced matter.

After reading Kevin Roper's Reply Brief in Support of his Motion to Intervene for the Purpose of Requesting Stay of Discovery, we feel compelled to request leave of this Court to file a sur-reply pursuant to District of New Jersey Court Local Rule 7.1(d)(6). Not only is Mr. Roper's counsel wrong on the law and the facts, but none of the out-of-court statements made by plaintiffs' counsel were improper, outside the boundaries of the pleadings, or pertaining to Mr. Roper personally. Mr. Roper's counsel's personal attacks on the plaintiffs' law firm not only come with extreme ill grace, but violate rules that encourage civility among adversaries.

Accordingly, Plaintiffs respectfully request leave of this Court to file a sur-reply by December 15, 2014.

Respectfully submitted,

**MORELLI ALTERS RATNER**

A handwritten signature in black ink, appearing to read "D.T. Sirotkin".

David T. Sirotkin

Reply To:

**Morelli Alters Ratner, LLP**  
New York City  
777 Third Avenue  
31<sup>st</sup> Floor  
New York, New York 10017  
Tel: (212) 751-9800  
Fax: (212) 751-0046  
Toll Free: (877) 751-9800

[www.morellialters.com](http://www.morellialters.com)

Morelli Alters Ratner, P.A.  
Miami Design District  
4141 Northeast 2nd Avenue  
Suite 201  
Miami, Florida 33137  
Tel: (305) 571-8550  
Fax: (305) 571-8558